

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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INTERNATIONAL REFUGEE ASSISTANCE : Case No. 20-cv-00306-AKH
PROJECT, INC., :
Plaintiff, :
- against - :
DEFENSE CONTRACT MANAGEMENT :
AGENCY; U.S. DEPARTMENT OF DEFENSE, :
Defendants. :
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Subject to the Court's approval, Plaintiff International Refugee Assistance Project, Inc. ("IRAP"), by and through its counsel, and Defendants Defense Contract Management Agency and U.S. Department of Defense ("Defendants"), by and through their counsel, hereby stipulate to the following protective order pursuant to Rule 26(c) of the Federal Rules of Civil Procedure.

1. Pursuant to 5 U.S.C. § 552(a)(4)(E), IRAP seeks to recover attorney fees and litigation costs expended on the above-captioned Freedom of Information Act action. To this end, IRAP has served Defendants with a document itemizing the attorney fees and litigation costs it deems to be recoverable (the "Fee Schedule"). The Fee Schedule contains attorney-client privileged information in its descriptions of tasks performed by outside counsel for IRAP (the "Privileged Information") and the Privileged Information has been redacted from the version of the Fee Schedule produced to Defendants.

2. Defendants have requested a version of the Fee Schedule without redactions so that they can review the Privileged Information therein and assess IRAP's request for attorneys' fees. IRAP will provide the government with an unredacted copy of the Fee Schedule subject to the following terms.

3. The disclosure of Privileged Information in the Fee Schedule (or any subsequent documents itemizing IRAP's attorneys' fees and litigation costs) does not constitute a waiver of attorney-client privilege, work product privilege or any other applicable privilege that pertains to IRAP's communications.

4. The unredacted Fee Schedule (and any subsequent documents itemizing IRAP's attorneys' fees and litigation costs that also contain Privileged Information) shall be maintained by Defendants on an "Attorneys' Eyes Only" basis and, as such, may be used only for purposes of this action and shall not be disclosed by Defendants to any persons other than the following:

- a. The attorneys for Defendants who have filed an appearance in this action, and any employees of Defendants or the Department of Justice who are involved in the process for determining Defendants' response to Plaintiff's attorney's fees demand(s) in this action;
- b. Any expert or consultant expressly retained by any attorney described in Paragraph 4(a), with disclosure only to the extent reasonably necessary to perform such work;
- c. The Court, jury, court personnel, court reporters, and other persons connected with the Court; and
- d. Any other person whom IRAP agrees may have access.

5. Defendants will not file Privileged Information from the Fee Schedule on the public docket unless it first obtains permission to do so from IRAP or leave from the Court.

6. This Stipulation and Protective Order may be changed only by further agreement of the parties in writing or by an order of the Court. This Stipulation and Protective Order shall

remain in full force and effect until modified, superseded, or terminated either by consent of the parties, or by order of the Court.

Dated: New York, New York
March 29, 2022

STIPULATED AND AGREED BY:
DAVIS WRIGHT TREMAINE LLP

By: /s/ John M. Browning

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*Attorneys for Defense Contract Management
Agency and U.S. Department of Defense*

SO ORDERED:

March 30, 2022

New York, NY

/s/ Alvin K. Hellerstein

Hon. Alvin K. Hellerstein